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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,443	11/10/2003	John T. Waidner	DP-307920	4601
22851	7590	10/06/2005	EXAMINER	
DELPHI TECHNOLOGIES, INC.			ELLINGTON, ALANDRA	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			2855	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/705,443	WAIDNER ET AL.	
	Examiner	Art Unit	
	Alandra Ellington	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed 8/25/05.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Non-Final Rejection**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's Acknowledged Prior Art (hereinafter AAPA).

- a. With respect to claim 7, AAPA discloses a fluid-filled elastomeric bladder assembly adapted for disposition in a vehicle seat intermediate an occupant load bearing seat cushion and an underlying spring suspension structure for occupant weight estimation, said fluid-filled elastomeric bladder assembly 18 comprising a first sheet 20a of relatively thin elastomeric material; a second sheet 20b of relatively thick elastomeric material, said first and second sheets 20a,20b peripherally joined to form a closed bladder 20 and defining a volume 28 therebetween for filling with a fluid, said sheets 20a,20b of elastomeric material forming upper and lower load bearing surfaces; a port 24 extending through the sheet 20b defining said lower load bearing surface, said port 24 adapted for fluid communication with a fluid pressure sensor 22; and an interface panel 36 disposed adjacent the load bearing surface formed by the first sheet 20a of elastomeric material (pg. 1 lines 23-31, pg. 2 lines 1-15 {Fig. 1}).

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b. With respect to claim 8, AAPA discloses the elastomeric bladder assembly of claim 7, further comprising at least one interperipheral spot weld 30 locally joining said first and second sheets 20a,20b of elastomeric material (pg. 2 lines 3-5 {Fig. 1}).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gaither (6,175,980).

a. With respect to claim 2, AAPA discloses the claimed invention except for specifically teaching the first sheet of elastomeric material with a thickness of approximately 0.375 mm (0.015 inch) and the second sheet of elastomeric material with a thickness of approximately 1.50 mm (0.60 inch). Gaither teaches a bladder 42 made with an elastomeric material having a thickness in the range of ¼ inch to 1 inch (col. 3 lines 30-52 {Figs. 3 and 4}). Moreover, Gaither's bladder 42 is potentially made of first and second sheets but it is not elaborated on. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify AAPA with the teachings of Gaither to include two sheets of elastomeric material with a specific thickness for the purpose of

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designing the bladder to resist dynamic fatigue and compression (see Gaither, col. 3 lines 46-52).

b. With respect to claims 3 and 4, AAPA discloses sheets 20a,20b forming the upper and lower load bearing surfaces of the bladder 20 (pg. 1 line 31, pg. 2 lines 1-5 {Fig. 1}).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(5,975,568) (5,634,890) (6,460,209)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

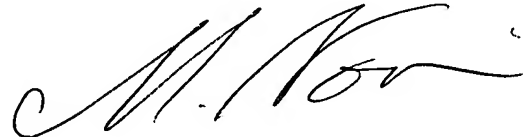
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington  9/27/05  
Art Unit 2855

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**MAX NOORI**  
**PRIMARY EXAMINER**